

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN
DISTRICT OF NEW YORK**

In re:)	Chapter 11
)	
)	
Delphi Corporation, et al.)	Case No. 05-44481
)	
Debtors)	
)	
)	

**MEMORANDUM IN SUPPORT OF
MOTION FOR RELIEF FROM AUTOMATIC STAY**

Hearing Date: April 7, 2006

**Gene T. Moore (MOO-068)
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COMES NOW Plaintiff Arlis M. Elmore and files this Memorandum in Support of his previously filed Motion For Relief from the Automatic Stay, and would show unto this Honorable Court to wit:

Plaintiff Arlis M. Elmore hereby incorporates any the entirety of the previously filed Motion for Relief form the Automatic Stay filed with this Court on March 7th, 2006 as if laid out in its entirety herein.

In paragraph VII of the previously filed Motion for Relief Plaintiff asserted, “The debtor will not be harmed by the lifting, annulling, and/or modification of the automatic stay because, such claims as alleged by Plaintiff are only being pursued to the extent there is Insurance Coverage that will cover the injuries and damages to Plaintiff. Plaintiff will not be making any additional claims against Delphi or other named Defendants for any monetary damages other than those covered by Insurance. To the extent that such claims may not be covered by insurance, Plaintiff will not seek relief from Delphi for said non-covered claims.”

Plaintiff asserts that Delphi is covered under a policy of insurance issued to Multicraft International Ltd, whose Declarations page attached hereto as “Exhibit 1.” This policy should provide coverage for the injuries sustained by Plaintiff as a result of the accident made the basis of the underlying claim.

To the extent they are not covered by this insurance policy or any policy which may be in force through Delphi, Plaintiff will not be asserting a claim to any assets of Delphi, therefore, no assets of the debtor’s estate will be affected by the aforementioned lawsuit.

Plaintiff further contends that if the stay is allowed to remain in full force and effect the defendants will escape liability for their tortuous conduct and Plaintiff will suffer egregious harm due to the inability to recover compensation for lost wages, medical expenses, and permanent disability which are due the Plaintiff outside those benefits paid by the workers compensation carrier. Therefore the Stay should be lifted so as to allow Plaintiff to pursue damages from said insurance policies.

STATEMENT REGARDING ORAL ARGUMENT

Plaintiff Arlis M. Elmore, Jr. believe the facts and legal arguments have been adequately presented before this Honorable Court through this Motion; and therefore, they do not request oral argument. However, Plaintiff Arlis M. Elmore, Jr., welcomes the opportunity to argue this case orally before this Honorable Court in the event the Court should desire the parties to do so.

Dated this 29th day of March, 2006.

/s/Gene T. Moore
Gene T. Moore (MOO-068)

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing either: by mailing a copy of the foregoing document to the following attorney(s) of record for the parties, as well as, to all creditors on the Matrix and their Counsel through the Southern District of New York CM/ECF electronic database:

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Dated this the 29th day of March, 2006.

/s/Gene T. Moore
OF COUNSEL